



01-26-09

Atty. Dkt. No.: WT0115

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Applicant: Guenther et al.
Title: GAME BALL LACING
Appl. No.: 10/625,325
Filing Date: July 23, 2003
Examiner: Steven B. Wong
Art Unit: 3711

CERTIFICATE OF EXPRESS MAILING	
I hereby certify that this correspondence is being deposited with the United States Postal Service's "Express Mail Post Office To Addressee" service under 37 C.F.R. § 1.10 on the date indicated below and is addressed to: Mail Stop: Appeal Brief-Patents, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.	
EB 917166318 US	January 23, 2009
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(Signature)	

RESPONSE TO NOTIFICATION OF NON-COMPLIANT APPEAL BRIEF

Mail Stop Appeal Brief - Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Dear Sir:

Appellants received a Notification of Non-Compliant Appeal Brief mailed on January 13, 2009 regarding the present Application. The Notification states that "the Summary of claimed subject matter appearing on page 5 of the Appeal Brief filed December 12, 2007 is deficient because it does not separately map independent claim 1 to the specification."

The Notification of Non-Compliant Appeal Brief mailed on January 13, 2009 followed an Order Returning Undocketed Appeal To Examiner mailed on December 5, 2008. The Order also refers to the Summary of Claim Subject Matter as being deficient and refers to MPEP §1205.03 stating that when the Office holds an Appeal Brief to be defective


solely due to a summary of claimed subject matter, an entire new brief need not, and should not, be filed. A paper providing the revised summary of the claimed subject matter is sufficient.

Accordingly, in response to the Notification of Non-Compliant Appeal Brief, Appellants submit herewith an Amended Summary Of Claimed Subject Matter (Section v.) of the Appeal Brief to address the cited deficiency.

Appellants believe that no fee is due at this time. However, if Appellants are mistaken and a fee is due, please charge any fees related to the Response to Notification of Non-Compliant Appeal Brief to Deposit Account 501959.

Respectfully submitted,

Date 23 January 2009
Wilson Sporting Goods Co.
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**AMENDED SUMMARY OF CLAIMED SUBJECT MATTER IN ACCORDANCE
WITH MPEP § 1205.03**

v. SUMMARY OF CLAIMED SUBJECT MATTER (37 C.F.R. §41.37(c)(1)(v))

The present application includes a single independent claim, Claim 1.

Independent Claim 1 is directed to a football including a casing having a laced region, and an outwardly extending lacing coupled to the laced region of the casing. (Pages 7 and 8, ¶¶ 0027 and 0029). The lacing has an exposed surface. (Page 9, ¶ 0032). At least a portion of the exposed surface of the lacing has a pebbled texture that is highly grippable when directly contacted by a user's hand. (Pages 10 and 11, ¶¶ 0037 and 0038). The football is configured for use in competitive play. (Pages 3 and 4, ¶ 0005, Page 8, ¶ 0029, Page 9, ¶ 0032, Pages 10 and 11, ¶¶ 0037 and 0038).